

II. Remarks:

A. The Office Action Dated May 19, 2005

The Office Action dated May 19, 2005, indicated that Applicants' "response filed on 4/14/05 to the election/restriction mailed on 1/19/05 is non-responsive because: applicant did not provide a listing of all claims readable on the elected species, adenoviral vector in instant claim 12." Page 2 of the Action. Applicants have addressed the Action's concerns by including a listing of all claims readable on the elected species in the present document in section II (D)[2](ii) below.

B. Status of the Specification and Claims

The specification has been amended to include nucleic acid sequence identifiers (*i.e.*, "SEQ ID NO: __.") No new matter has been added by these amendments.

Claims 1-35 were pending when the Restriction and Species Election Requirement dated January 19, 2005, was issued from the U.S. Patent Office. No claims have been canceled, amended, or added. Therefore, claims 1-35 are currently pending.

C. Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence Disclosures

The Examiner indicates that the present application contains sequence disclosures that are encompassed by the definition for nucleotide sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2) and that the present application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicants are filing the appropriate paperwork to comply with this Notice concurrently with this Response.

D. Response to the Restriction and Species Election Requirement

1. Summary of Requirements

The Examiner requests restriction between one of the following five Groups:

- (1) Group I, as exemplified by claims 2, 28, and 31, drawn to a method of protecting a subject from a toxin comprising providing an expression cassette comprising a promoter operably linked to a gene encoding PON1 type Q;
- (2) Group II, as exemplified by claim 3, drawn to a method of protecting a subject from a toxin comprising providing an expression cassette comprising a promoter operably linked to a gene encoding PON1 type R;
- (3) Group III, as exemplified by claims 32 and 33, drawn to a method of treating a subject to protect, correct or retard the progress of a neurodegenerative disease comprising providing an expression cassette comprising a promoter operably linked to a gene encoding PON1;
- (4) Group IV, as exemplified by claim 34, drawn to a method of treating a subject with atherosclerosis comprising providing an expression cassette comprising a promoter operably linked to a gene encoding PON1;
- (5) Group V, as exemplified by claim 34, drawn to a method of protecting a subject from atherosclerosis comprising providing an expression cassette comprising a promoter operably linked to a gene encoding PON1;

If Group I or II is elected, the Examiner further requests election of a species from the following: herpesviral vector, retroviral vector, adenoviral vector, adeno-associated viral vector, polyoma viral vector, and vaccinia viral vector.

2. Applicants' Election

i. Group II is elected

In response to the Restriction Requirement, Applicants elect Group II for further prosecution in this case. Applicants note the Examiner's observation that claims 1, 4-27, 29-30, and 35 link Groups I and II. If a linking is allowed, Applicants are entitled to examination of the non-elected inventions that are linked to the elected invention. *See* MPEP § 809.04.

ii. *Adenovirus vector is elected*

Applicants elect adenovirus vector for the species. Claims 1-35 are readable on the elected species. Applicants notes that upon the allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141(a).

E. Conclusion

Applicants believe that this is a complete response to the Office Action dated May 19, 2005. Applicants request that the pending claims be examined on their merits.

It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/UTSD:749US.

Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3020.

Respectfully submitted,



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